

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. Action No.: 3:21-CR-33-13
(Judge Kleeh)

MARCUS DEON LONGUS,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY IN FELONY CASE [ECF NO. 1250] AND
ACCEPTING GUILTY PLEA

On January 6, 2023, the Defendant, Marcus Deon Longus ("Longus"), appeared before United States Magistrate Judge Robert W. Trumble and moved for permission to enter a plea of **GUILTY** to Count Four of the Superseding Indictment, charging him with Conspiracy to Possess with Intent to Distribute and to Distribute Heroin, Fentanyl, Cocaine Base, and Cocaine Hydrochloride, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846. There is no written plea agreement. Longus stated that he understood that the magistrate judge is not a United States District Judge, and Longus consented to pleading before the magistrate judge.

This Court referred Longus's plea of guilty to the magistrate judge for the purpose of administering the allocution, pursuant to Federal Rule of Criminal Procedure 11, making a finding as to

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whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted.

Based upon Longus's statements during the plea hearing, and the Government's proffer establishing that an independent factual basis for the plea existed, the magistrate judge found that Longus was competent to enter a plea, that the plea was freely and voluntarily given, that Longus understood the charges against him and the consequences of his plea, and that a factual basis existed for the tendered plea. The magistrate judge issued a *Report and Recommendation Concerning Plea of Guilty in Felony Case* ("R&R") [ECF No. 1250] finding a factual basis for the plea and recommending that this Court accept Longus's plea of guilty to Count Four of the Superseding Indictment.

The magistrate judge **remanded** Longus to the custody of the United States Marshals Service.

The magistrate judge also directed the parties to file any written objections to the R&R within fourteen (14) days of service of the R&R. He further advised that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the R&R. Neither Longus nor the Government filed objections to the R&R.

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Accordingly, this Court **ADOPTS** the magistrate judge's R&R [ECF No. 1250], provisionally **ACCEPTS** Longus's guilty plea, and **ADJUDGES** him **GUILTY** of the crime charged in Count Four of the Superseding Indictment.

Counts 20, 27, and 29 of the Superseding Indictment remain pending against Longus, and the parties have not entered into a plea agreement contemplating their dismissal. Trial is scheduled for August 14, 2023. The sentencing hearing and preparation of the presentence investigation report will be scheduled by separate order.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: January 25, 2023



THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA